CLERK, U.S. DISTRICT COURT

JUL 7 2008

CENTRAL DISTRICT OF CALIFORNIA DEPUTY

## UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

DION DOUGLAS FORD,

Petitioner,

V.

ORDER DENYING AND DISMISSING

PETITION WITHOUT PREJUDICE

Respondent.

On June 30, 2008, Dion Douglas Ford, a California state prisoner, filed a letter addressed to "Clerk or Magistrate" ("the Petition"). The Petition apparently requests an unspecified extension of the one-year period of limitations prescribed in section 2244 of Title 28 U.S.C., as amended by the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"). For the reasons discussed herein, the Petition is denied and dismissed without prejudice.

The Petition appears to seek a court ruling, by extension of the AEDPA statute of limitations or otherwise, that the statute will not bar Petitioner's anticipated, but not yet filed, federal habeas

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The Constitution's "case or controversy" jurisdictional
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   petition.
   requirement precludes the granting of such an advisory opinion.
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   re Watson, 1997 WL 487431 *1 (N.D. Cal. Aug.6, 1997) (denying without
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   prejudice a state prisoner's request for an extension of the AEDPA
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    statute of limitations where the prisoner had not yet filed a federal
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   habeas petition); accord Corcoran v. Tilton, 2008 WL 816682 (C.D.
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    Cal. Mar. 25, 2008) (same); see <u>United States v. Leon</u>, 203 F.3d 162,
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    163-64 (2nd Cir. 2000) (federal court lacks jurisdiction to consider
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    request to extend the time to file a motion under 28 U.S.C. section
    2255); United States v. Polanco, 1999 WL 328352 *2 (S.D.N.Y. May 21,
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    1999) (same); <u>United States v. Agnes</u>, 1997 WL 763025 *1-2 (E.D. Pa.
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    Dec. 9, 1997) (same); see also Calderon v. Ashmus, 523 U.S. 740, 746-
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    49 (1998) (no "case or controversy" where prisoners sought
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    declaratory relief to determine the time limits that would govern
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    future habeas actions); United States v. Cook, 795 F.2d 987, 994
    (Fed. Cir. 1986) (District Court erred by tolling statute of
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    limitations in advance of the filing of potentially untimely claims).
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1	For all of the foregoing reasons, the Petition is denied and
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4	LET JUDGMENT BE ENTERED ACCORDINGLY.
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6	DATED:, 2008.
7	· <b>V</b>
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9	CHRISTINA A. SNYDER
10	UNITED STATES DISTRICT JUDGE
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14	PRESENTED this 2nd day of
15	July, 2008, by:
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17	CHARLES F. EICK
18	UNITED STATES MAGISTRATE JUDGE
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